IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 317 OF 2006
IN
FIRST APPEAL NO. 317 OF 2006

SHRI VISHNU R. KURDIKAR (SINCE DECEASED) THROUGH HIS LEGAL HEIRS ... Applicant

Versus

STATE OF GOA THROUGH THE CHIEF SECRETARY AND ORS. ... Respondents

Shri. J. Vaz, Advocate for the applicant.

Ms. G. Bhonsule, Addl. Government Advocate for the respondent No.1 to 3.

Mr. V. R. Tamba, Advocate for the respondents No.5(a) to 5(e).

Coram:- S.A. BOBDE, J.

Date:- 15th June, 2007

P.C.

I see no reason to grant any interim relief to the applicant-appellant in view of the fact that the suit for injunction has been dismissed by the trial Court. There does not seem to be merit in the contention raised on behalf of the applicant-appellant that the chamber, if allowed to be constructed, would adversely affect the well in question. On the contrary, based on the commissioner report, the trial Court has observed vide paras 40, 41 and 42 that the appellant's contention that the extension of sewerage and the construction of sewage pipe line will pollute the well, is illfounded and baseless.

2. In para 45, the trial Court has observed that the inspection chamber to be set up for defendant No.5 was not for holding any sewage, but only for conveying the sewage through the pipeline. Hence, there is

no merit in the contention that the inspection chamber if allowed to be set up or allowed to be constructed would adversely affect the well. Interim relief vacate.

S.A. BOBDE, J.

ssm.